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TIGER NATURAL GAS, INC.

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re	)	CASE NO. 19-30089 (DM)
	)	
PACIFIC GAS AND ELECTRIC	)	Chapter 11
COMPANY,	)	
	)	<b>TIGER NATURAL GAS, INC.'S</b>
-and-	)	<b>MOTION TO FILE REDACTED</b>
	)	<b>PLEADINGS AND MOTION SEAL</b>
PACIFIC GAS AND ELECTRIC	)	<b>TIGER'S MOTION TO ENFORCE</b>
COMPANY,	)	<b>SETTLEMENT AND SUPPORTING</b>
	)	<b>MATERIALS</b>
Debtors.	)	
	)	
<input type="checkbox"/> Affects PG&E Corporation	)	
<input checked="" type="checkbox"/> Affects Pacific Gas and Electric	)	
Company	)	
<input type="checkbox"/> Affects both Debtors	)	
	)	
<i>*All papers shall be filed in the Lead Case,</i>	)	
<i>No. 19-30088 (DM)</i>	)	

1 Tiger Natural Gas, Inc. ( “Tiger”), by and through its undersigned counsel, hereby submits  
2 this motion (“Sealing Motion”) pursuant to sections 105(a) and 107(b) of title 11 of the United  
3 States Code (the “Bankruptcy Code”), Rule 9018 of the Federal Rules of Bankruptcy Procedure  
4 (the “Bankruptcy Rules”), Rule 1001-2(a) of the Bankruptcy Local Rules for the United States  
5 District Court for the Northern District of California (the “Bankruptcy Local Rules”) and the New  
6 District Wide Procedures for Electronically Filing Sealed and Redacted Documents adopted by  
7 the United States Bankruptcy Court for the Northern District of California (the “Local  
8 Procedures”) for entry of an order authorizing the sealing of Tiger’s Motion to Enforce Settlement  
9 and the filing of the Motion to Enforce Settlement (Redacted).

10 In support of this Motion, Tiger submits the Declaration of Leah E. Capritta filed  
11 contemporaneously herewith. The Motion to Enforce Settlement (Redacted) (the “Redacted  
12 Motion”) is attached as Exhibit 1 with the supporting Declaration of Leah E. Capritta (Redacted)  
13 and other materials (the “Redacted Declaration”) attached as Exhibit 2. A proposed form of order  
14 granting the relief requested herein is attached as Exhibit 3.

## 15 MEMORANDUM AND POINTS OF AUTHORITIES

### 16 I. JURISDICTION

17 The Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334.  
18 Venue is proper under 28 U.S.C. §§ 1408 and 1409. This Motion to Seal is a core proceeding under  
19 28 U.S.C. § 157(b)(2).

### 20 II. BACKGROUND

21 On January 25, 2023, the Tiger filed a Motion to Enforce Settlement [Docket No. 13451]  
22 (the “Motion”) together with the Declaration of Leah E. Capritta in Support of Motion and  
23 accompanying Exhibits A-F [Docket No. 13451-1]. (Capritta Decl., ¶2.) The Motion asked the  
24 Court to enforce the settlement with Debtor Pacific Gas & Electric Company (the “Utility”) further  
25 to a stipulation on the record before the District Court. (*Id.*)

26 On or about February 1, 2023, PG&E Corporation and Pacific Gas & Electric Company  
27 (collectively, the “Debtors”) conferred with Tiger regarding a potential resolution of the Motion  
28 and, on February 3, 2023, Tiger filed a Notice of Continued Hearing, rescheduling the hearing on

1 the Motion to April 11, 2023 [Docket No. 13488]. (Capritta Decl., ¶3.) The parties soon thereafter  
2 came to a resolution and agreed to a written form of settlement, which will include a confidentiality  
3 provision. (*Id.*)

4 On February 2, 2023, Debtors requested that Tiger move to seal the Motion and, on  
5 February 7, 2023, Debtors provided Tiger with the portions of the Motion they would like redacted.  
6 (Capritta Decl., ¶4.) This includes:

- 7 • Motion, p. 3, lines 1-7, 11-12, 17-23 (settlement communications and terms);
- 8 • Motion, p. 4, lines 4-26 (settlement communications);
- 9 • Motion, p. 6, lines 19-20 (settlement terms);
- 10 • Motion, p. 7, lines 5-24 (settlement communications and terms);
- 11 • Motion, p. 8, lines 7-16, 21 (settlement communications and terms);
- 12 • Declaration, p. 2, line 25 through ECF p. 3, line 26 (settlement terms and  
13 communications);
- 14 • Declaration, p. 4, lines 5-23 (settlement communications);
- 15 • Exhibit B - All (settlement communications);
- 16 • Exhibit C - All (UET settlement agreement);
- 17 • Exhibit D, p. 4, line 16 through p. 5, line 10 (settlement terms);
- 18 • Exhibit E - All (settlement communications);
- 19 • Exhibit F - All (draft settlement agreement).

20 Given that Tiger has no objection to Debtors' request, it moves the Court for this relief.

### 21 **III. BASIS FOR RELIEF REQUESTED**

22 Section 105(a) of the Bankruptcy Code allows a court to “issue any order . . . that is  
23 necessary or appropriate to carry out the provisions of the title.” 11 U.S.C. § 105(a). Section 107(b)  
24 further provides that a court may “protect any entity with respect to a trade secret or confidential  
25 research, development, or commercial information.” 11 U.S.C. § 107(b). To seek protection under  
26 107(b), a party only needs to show “that the information it [seeks] to seal [is] ‘confidential’ and  
27 ‘commercial’ in nature.” *Video Software Dealers Ass’n v. Orion Pictures Corp.*, 21 F.3d 24, 27  
28 (2d Cir. 1994).

The Bankruptcy Rules similarly authorize the Court to “make any order which justice  
requires (1) to protect the estate or any entity in respect of a trade secret or other confidential  
research, development, or commercial information.” Bankruptcy Rule 9018. Finally, the New  
District Wide Procedures for Electronically Filing Sealed and Redacted Documents require that a  
request for seal is narrowly tailored to sealable materials.

1 Tiger asks the Court to seal the Motion and the Declaration and its seeks leave to file the  
2 Redacted Motion and Redacted Declaration and Exhibits lieu thereof. Because parties' written  
3 agreement, once executed, contains a confidentiality provision information, the redacted materials  
4 will likely fall under its aegis, and therefore this Court should grant Tiger's request.

5 **IV. NOTICE**

6 Notice of this motion is being provided in accordance with the Second Amended Order  
7 Implementing Certain Notice and Case Management Procedures, entered on May 14, 2019  
8 [Docket No. 1996].

9 WHEREFORE, Tiger respectfully requests that the Court grant this Motion, by: (1)  
10 Ordering the Motion to Enforce and the Declaration to be sealed; and (2) permitting the filing of  
11 the Redacted Motion and Redacted Declaration and other materials (Exhibits 1 and 2 hereto).

12 DATED: February 10, 2023.

13 Respectfully submitted,

14 **HOLLAND & KNIGHT LLP**

15  
16 By: /s/ Leah E. Capritta  
17 Leah E. Capritta

18 *Attorneys for Tiger Natural Gas, Inc.*  
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